



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Shi-Ming CHEN

Application No.: 10/698,401

Filed: November 3, 2003

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Group Art Unit: 2815

Examiner: B. W. Baumeister

For: LIGHT EMITTING DIODE AND METHOD FOR MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

By Official Action dated April 19, 2004, restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-6 and 11, drawn to an LED having a solder layer, classified in class 257, subclass 98.

Species IA: Claim 6, drawn to the species of invention I wherein the solder is composed of metal.

Species IB: Claim 5, drawn to the species of invention I wherein the solder is composed of an organic material.

- II. Claims 7-10, drawn to an LED of invention I wherein the semiconductor epitaxial structure further comprises an n-contact layer, classified in class 257, subclass 99.

Species IIA: Claim 9, drawn to the species of invention II wherein the n-contact layer is a continuous surface structure.

Species IIB: Claim 10, drawn to the species of invention II wherein the n-contact layer is a discontinuous surface structure.

In response, Applicant hereby elects Species IA: Claims 1-4, 6 and 11 for examination in this case, with traverse.

The election is made with traverse, because both metal in claim 5 and organic material in claim 6 of the present application are solder materials that are heat-resistant and have a large thermal conductive coefficient, and one major function of the metal in claim 5 and organic material in claim 6 in the present application is to bond the epitaxial structure of the light emitting diode and the transparent substrate (shown in FIGs. 3-4 of the present application). Metal in claim 5 and organic material in claim 6 have equivalent function of adhering, so that Claim 5 and claim 6 are used under the same concept. Therefore, while the inventions being separately patentable, they are related to the same art and the Examiner should not be unduly burdened in doing search and examination

Respectfully submitted,

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